

AN ORDINANCE

BY COUNCIL MEMBER MARY NORWOOD



AN ORDINANCE TO AMEND SECTION 158-101(a) OF THE TREE PROTECTION ORDINANCE OF THE CITY OF ATLANTA CODE OF ORDINANCES SO AS TO PROVIDE ASSISTANCE FOR REMOVAL OF HAZARDOUS TREES BY LOW INCOME PROPERTY OWNERS; AND FOR OTHER PURPOSES.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS as follows:

SECTION 1. Subsection (a) of Section 158-101, Division 3, of the Code of Ordinances is hereby amended to read as follows:

"DIVISION 3. REMOVAL AND RELOCATION

Sec. 158-101. Permit to destroy or remove.

- (a) Required. No person shall directly or indirectly remove or destroy any tree having a diameter at breast height (DBH) of six inches or more which is located on property subject to the provisions of this article without obtaining a permit as provided in this section. For new subdivisions, new lots of record, vacant lots, and vacant land tracts, pines of less than 12 inches DBH are exempt from the requirement for a permit.

1. Financial Assistance

- (A) **A property owner with an annual household income of \$25,000 or less who cannot afford the cost of removal of a tree that has been deemed by the City Arborist to be dead dying or hazardous shall receive financial assistance from the tree trust fund for the removal of such. Said removal shall be performed by a licensed, professional tree cutter selected by the homeowner. Such assistance shall not exceed \$3000.00 per tree.**
- (B) **A low income property owner may appeal any denial of a dead, dying or hazardous tree permit to the Tree Commission without payment of an appeal fee.**
- (C) **The Department of Planning and Community Development shall notify, in writing, the district and at-large council member of any such request for assistance. Assistance shall be limited to one property, one tree, per year.**

SECTION 2. Subsection (a) of Section 158-66, Division 2, of the Code of Ordinances is hereby amended to read as follows:

Sec. 158-66. Tree trust fund.

- (a) Establishment and administration. The tree conservation commission shall establish a tree trust fund for the protection, maintenance, and regeneration of the trees and other forest resources of Atlanta. A maximum of five percent of the fund may be used for educational materials and programs. A maximum of

\$50,000.00 per year of the fund may be used for costs arising directly from administering and enforcing the tree protection ordinance that would not have arisen in the absence of the tree protection ordinance, including but not limited to the cost of posting trees to be removed, the cost of advertising tree commission hearings and the cost of court reporter services at tree commission hearings. **An amount of \$50,000.00 per year shall be set aside within the trust fund to provide financial assistance pursuant to section 158-101(a)(1).**

A maximum of \$110,000.00 per year of the fund may be used to fund the annual salary and benefits of the two arborist positions. In the event that the costs of the salary and benefits positions exceeds \$110,000.00, the remainder of the cost shall be assumed by the general fund budget in the department of planning and community development.

SECTION 3. Subsection (f) of Section 158-103, Division 3, of the Code of Ordinances is hereby amended to read as follows:

- (f) The city arborist shall prepare a quarterly report to be presented to the tree conservation commission. The report shall include the total number and DBH of trees removed and/or the total number and DBH of trees replanted during the preceding quarter in each of the following categories: maximum recompense per acre, dead/dying/hazardous removal, landscaping permit, silvicultural removal, buildable area removal, parking lots, illegal removal, off-site planting, or any other permit or penalty category not listed. The report shall also include acreage, total number of trees and total DBH for any newly created conservation easements or newly created parklands, **and the number and cost of tree removals made pursuant to section 158-101(a)(1).**

SECTION 4. That all ordinances and parts of ordinances in conflict herewith are hereby repealed.